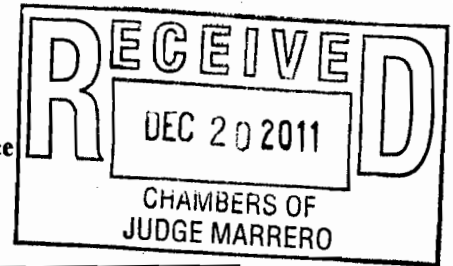




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December 19, 2011

BY HAND DELIVERY

The Honorable Harold Baer, Jr.  
United States District Court  
Southern District of New York  
500 Pearl Street, Suite 1610  
New York, New York 10007-1312

The Honorable Kimba M. Wood  
United States District Court  
Southern District of New York  
500 Pearl Street, Suite 2230  
New York, New York 10007-1312

The Honorable Victor Marrero  
United States District Court  
Southern District of New York  
500 Pearl Street, Suite 1040  
New York, New York 10007

Re: *United States v. Rubin, Chambers, Dunhill, et al.*, 09-CR-01058  
*United States v. Carollo, et al.*, 10-CR-00654  
*United States v. Ghavami, et al.*, 10-CR-01217

Dear Judges Marrero, Baer, and Wood:

The Government respectfully submits this letter in response to defense counsel's letter that was docketed today in the above-referenced cases, in which they assert that "government repeatedly declined Counsel's invitation to conduct its own investigation of what occurred and to put before the Court a full record of what happened." As the Government has demonstrated in its prompt disclosure of thirteen affidavits and more than 1,200 pages of material, much of which is internal Department of Justice correspondence, nothing could be farther from the truth.

Following the December 2 hearing in these cases, the Government searched for and reviewed internal communications, as well as records from the FBI in order to provide records to defense counsel so that they could prepare for tomorrow's hearing. Indeed, although the Court's Orders asked that the Government provide *Giglio* material by December 15, the Government provided material that went beyond that scope.

Moreover, the Government agreed with defense counsel that two FBI Special Agents would appear to testify at tomorrow's hearing. In addition, the Government provided sworn affidavits for three prosecutors, three taint team attorneys, and an IRS Special Agent. The Government also obtained and submitted affidavits from the six cooperating witness: Dean Pinard, Douglas Goldberg, Douglas Campbell, Dani Naeh, Matthew Rothman and Mark Zaino regarding instructions they received not to elicit attorney client information in the course of making recordings. Of these cooperators, Dean Pinard will not be a witness in any of the above captioned cases. Nor will any of the consensual recordings will be used in any of the above captioned cases.

For these reasons, the Government respectfully submits that it has responded promptly and appropriately in the face of counsel's assertions of alleged misconduct and taint of the prosecution team. The Government has also acted in good faith in providing material to defense counsel that is relevant to the issues they have raised with the Court.

Respectfully submitted,



LUCY McCLAIN  
Trial Attorney, Antitrust Division  
U.S. Department of Justice

cc: All Defense Counsel (by email)

